

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6259 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AGRAVAL KEDARMAL LAKAND

Versus

MAMLATDAR, PALANPUR & ANR.

Appearance:

MS KUSUM M SHAH for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/02/98

ORAL JUDGMENT

Challenge has been made by petitioner by this Special Civil Application to the order dated 29th November 1986, under which the services of the petitioner as 'Vyavasthapak' (Organizer) of the 'Madhyahan Bhojan Yojana' (Mid-day Meal Scheme) were brought to and end.

2. The petitioner was paid an honorarium of Rs.200/-

p.m. for his services. However, his services as 'Vyavasthapak' were found to be not suitable for the reasons stated in the order impugned the said arrangement was ordered to be discontinued.

3. The learned counsel for the petitioner has failed to show how the order impugned is illegal or arbitrary. It is a case where the petitioner was paid honorarium of Rs.200/- p.m. for his services rendered as 'Vyavasthapak' in the Mid-day Meal Scheme and where he was not properly serving the food to the children as per rules, the respondents had all the powers to discontinue his services. The petitioner has not come up with any case of malafides against the respondents. In the facts of the present case, the action which has been taken by the respondents against the petitioner cannot be said to be arbitrary which calls for any interference of this Court, sitting under Article 226 of the Constitution of India. Otherwise also, in case the petitioner felt that this order adversely affects him then instead of approaching this Court, he should have approached to the higher authorities, which course has also not been adopted by him. Last but not least, the petitioner is also not in service for the last more than eleven years and at this stage after so many years it may not be in the larger interest of the Scheme to order for restoration of petitioner in services. Apart from this, it is not the case of the petitioner that the said Scheme still continues.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No order as to costs.

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(sunil)